

**JHARKHAND STATE ELECTRICITY REGULATORY
COMMISSION, RANCHI**

**JSERC (MISCELLANEOUS PROVISION AMENDMENT) ORDER,
2009**

In exercise of the power conferred under Regulations 20, 34 and 46 of the Jharkhand State Electricity Regulatory Commission (Conduct of Business) Regulation, 2003, and Section 127 read with Clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf, the Jharkhand State Electricity Regulatory Commission, hereby amends the Jharkhand State Electricity Regulatory Commission (miscellaneous provision) order 2003:

A1: SHORT TITLE, COMMENCEMENT AND INTERPRETATION

- 1.1 This order shall be called the “Jharkhand State Electricity Regulatory Commission (miscellaneous provision, amendment) order, 2009.
- 1.2 This order shall extend to the whole the state of Jharkhand.
- 1.3 This order shall come into force with effect from the date of its publication in the Jharkhand State Gazette.

A2: AMENDMENT TO CLAUSE 11

2.1 In the Jharkhand State Electricity Regulatory Commission (miscellaneous provision) order, 2003, in clause 11, the following Sub-Clauses, shall be added, namely:

11.1 Filing of appeal under section 126 of the Act

- (i). Any person aggrieved by the final order made under section 126 of the Act may, within 30 days of the said order, file an appeal before the Appellate Authority, which is the authority prescribed under Sub section (1) of Section 127 of the Electricity Act 2003.
- (ii). The appeal shall be made in the form specified in the Schedule A to these regulations and shall be accompanied by a copy of the order of the assessing officer designated under Section 126 of the Act, appealed against.
- (iii). The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule A to these regulations.
- (iv). The appeal shall be accompanied by the following fee:

S. No.	Amount assessed	Fee
1.	Upto Rs.100,000	2% of the assessed amount subject to minimum of Rs.500
2.	Above Rs.100,000	1% of the, assessed amount subject to minimum of Rs.2,000

- (v). The fee shall be paid by a crossed bank draft or banker cheque in favour of the Appellate Authority, which is the authority prescribed under Sub section (1) of Section 127 of the Electricity Act 2003, payable at its head quarter.

(By order of the Commission)

A3: SCHEDULE A

MEMORANDUM OF APPEAL

**APPEAL BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127
OF THE ELECTRICITY ACT, 2003**

Appeal against final order (A.F.O.) No. _____ of _____

Between

1.

Appellant

(Full address of the Consumer including
consumer No., Category of service)

AND

2.

Respondents

(i). Name and address of the
Distribution licensee

(ii). Name and address of the
Assessing officer

Appeal under Section 127 of the Electricity Act 2003

1. Details of Applicant

(a) Full Name of the Applicant:

(b) Full Address of the Applicant:

(c) Name, Designation & Address of the Contact Person:

(d) Contact Telephone Number(s) /Mobile Phone Number:

Fax Number(s):

Email ID:

2. Details of the Distribution Licensee

- (a) Name and address of Distribution Licensee:
 - (b) Name of the concerned Divisional Engineer:
 - (c) Address of the office of the Divisional Engineer:
3. Details of the Assessing Officer
- (a) Name & designation:
 - (b) Address:
4. Address of the premises inspected under Section 126 of the Electricity Act, 2003:
5. Connected Load/Demand:
6. Particulars of the meter installed :
7. Date of Inspection :
8. Nature of the unauthorized use alleged:
9. Date of the provisional assessment notice:
10. Amount provisionally assessed:
11. Date of filing of objections by the Appellant against provisional assessment:
12. Date of hearing of the objections by the Assessing Officer:
13. Gist of the final order of assessment under Section 126 of the Electricity Act, 2003:
14. Whether any amount assessed paid /deposited relating to the period in issue and if so, the details thereof :
15. Whether the appellant has paid half of the Amount Assessed if so, the details thereof :
16. Whether there was any consent of the Appellant to the final order of assessment:

GROUNDS OF APPEAL

(State the grounds of the appeal with a brief narration of relevant facts and reason(s) why the final order is unsustainable)

- 3.1 The disputed amount under appeal is Rs. _____ and a fee of Rs. _____ is paid by way of Cash / demand Draft bearing No. _____ dated _____ as per section 127 of the Act read with Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2005 and subsequent amendments, Jharkhand State Electricity Regulatory Commission (miscellaneous provision) Order, 2003 and subsequent amendments.
- 3.2 The Final order was not passed with the consent of both the parties under Section 127(5) of the Electricity Act 2003.
- 3.3 The appellant has paid Rs. _____ being 1/2 (one-half) of the disputed amount by way of Cash / Demand Draft bearing No. _____ dated _____ to the licensee in accordance with Section 127(2) of the Electricity Act 2003 and subsequent amendments; the proof of payment is enclosed.

Prayer

- 3.4 It is therefore, prayed that _____

Appellant

VERIFICATION*

- 3.5 I, _____ (Name of the Appellant (if individual) or the authorized representative of the Appellant) declare that the facts stated in the above Memorandum of Appeal are true to my knowledge or based on information from and believed by me to be true, no part of the same is false and nothing material has been concealed there from.

Verified at _____ on this _____ day of _____

Name & Signature of the Appellant

Place:

Date:

(* To be affirmed before authorized authority e.g. Notary)